1: Allen H-4 (no date) 1932 RI1 Georgia RI1

[Medieval Georgia]

631 *qaleba* or *dsqaloba* was followed by blessing. Of Zakharia
566 Mkhargrdzeli the Annalists write that the Queen "conferred
423 *dsqaloba* by blessing upon his son, Zakharia, also"; else-
571 where again it is stated that she "*sheidsqalnes* and blessed many other *didebulni* also".[1] Blessing or *dalotsva* on occasion formed part of the ceremony of conferring of every high office.

Those of the lesser *qmani* who showed great zeal, loyalty and devotion were, of course, correspondingly *shedsqalebulni*. If a *qma* who had distinguished himself received such a favour for the first time, he was *shedsqalebuli* by being newly blessed, or if he already held some office, or was entrusted with another duty he was *shedsqalebuli momatebita*, that is "additionally".

[554] At the time of blessing the beneficiary or *shedsqalebuli* received from his lord ceremonial investiture; for instance, the *Mandaturt-Ukhutsesi* was presented with a gold ferule; the *Amir-Spasalari* received a golden sword. The *eristavni* and *eristavt-eristavni* had a banner each as an ensign which distinguished their office and, although direct information is not available, it is probable that they received this symbol from the King at the time of investiture.

It is not known whether the *shedsqalebuli* took the oath of fealty, but it is certain that at the time of blessing *taqvaneba* —adoration—was laid down as a rule.

631 The holding of lands and provinces was directly connected
554 with the holding of office. The lands or provinces so con-
● 428 nected with or dependent upon the office held by the *sheds-*
571 *qalebuli* were called *sapatio*, i.e. held in honour.
647 Besides these *sapatio* provinces and lands, the King's "loyal and devoted" state officers also received by way of *shedsqaleba* the so-called *sakharajoni*. *Sakharajo* is derived from *kharaji*, meaning "the tax", and denotes "for *kharaji*"; *sakharajo* towns therefore constituted grants, the taxes from which the beneficiary could divert to his own benefit.

Sakharajo towns, fortresses and villages were granted to *shedsqalebulni* on different conditions, some as *sakutari*, meaning "own", and some as *sanakhevrot*, meaning "for half". *Sakutari*—own—should not be understood as if the grantee received the towns as his own possessions. The term has no relation to the actual ownership of the places granted; it implies only that the whole of the taxes collected from them were given to the recipient as his own for his own use, while in the case of *sanakhevrot* (for half)—granted towns the grantee

[1] *Istoriani da Azmani*, p. 442.

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was given the benefit of only half the amount of the taxes collected.

Shedsqaleba thus meant the bestowing of favour by the King or some other *patroni* upon a *qma* by conferring an office or some other exclusive privilege and granting or conceding *sapatio* or *sakharajo* (*sakutarit* or *sanakhevrot*) towns, fortresses, villages and lands.

On occasions a *shedsqalebuli qma* received a heritable grant *mamulobit* or *samamulot*; grants *mamulobit* were conferred both upon the grantee and his descendants.

The terms of *sapatio* and *nadsqalobevi* grants were subject to variation. When a state official was removed from his office, the *sapatio* property, which he held as a perquisite of that office, reverted to the crown, but the King did not always strictly enforce his reversionary rights and occasionally left some of the properties in the family of the former beneficiary. Thus, for instance, when Queen Tamara deprived Qubasar of the office of *Amir-Spasalari*, she took into consideration his "slavish service" to her father, Giorgi III, and "deprived him of nothing except the office and of Lori".[1] Lori constituted, among other places, the *sapatio* property of the *Amir-Spasalari*, and once Qubasar was deprived of the office of *Amir-Spasalari*, Lori also was taken from him, but the remainder of his property—his *didebuli koneba*—the Queen left to him. In like manner when Gamrekeli, the *Amir-Spasalari*, died, because of the services he had rendered, "except Tmogvi, of nothing else were his sons deprived" by command of Tamara.[2]

Sapatio and *nadsqalobevi* property thus tended to become hereditary; the former rarely, but the latter more often. But it is noteworthy, as is evident from later *sigelni*, that neither the property granted *mamulobit* nor that which became in course of time hereditary, was ever considered to be fully and completely the private property of the *shedsqalebuli* or of his descendants. The holders of such properties, although called owners, were not in fact in a position to sell, exchange or donate them without the express permission of the King; only by "consulting" and by "permission" of the *patroni* could they deal in these properties. It follows therefore that the supreme owner of the *mamulobit* (heritable) and *nadsqalobevi* property remained after all the donor-*patroni* himself and not the *shedsqalebuli* or grantee.

According to the degree of *dsqaloba* bestowed, a *qma*

[1] *Istoriani da Azmani*, p. 406. [2] *Ibid.*, p. 444.

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thee, Vaché Guaramisdze, and grant thee subsistence . . . *samamulot* to serve the Church. . . . We have listened to thy supplication and grant *samamulot* to thee Vaché Guaramisdze, our *Msakhurt-Ukhutsesi* and thy sons and descendants, the village of Oromasheni in return for services (*samsakhurod*) to the Church." [1]

It has already been stated that *shedsqaleba* proved particularly beneficial to the high state officials and to the great *gvarishvilni* and that to them fell the greater part of the benefices. *Shedsqaleba* enriched the "loyal and obedient" *gvariani* officials. From the works of the Historians of David Aghmashenebeli and Queen Tamara we learn that in the twelfth century, especially during the reigns of Giorgi III and his daughter, the over-generous use of *shedsqaleba* on the part of the kings, made it possible for an enormous amount of wealth both movable and immovable to accumulate in the hands of the *didebulni* and *shedsqalebulni*, rendering them owners of immense estates and of numerous *qmani*.

In order to curb the power of the grasping and unruly *didgvarianni* the kings began to follow a policy of replacing them by persons of *ugvaro* or *uazno* descent who were personally dependent on the goodwill of the Court. By means of *shedsqaleba* the King made strong his "loyal and faithful servant", enriched him materially and increased the number of his *qmani*. Thus by the side of the *didgvariani* officials there came into existence in each generation a group of *msakhureuli shedsqalebulni* who, although they lacked the distinction of birth and the influence of class, were at the same time very strong, since they had been raised to the patronage of numerous towns, fortresses and villages. But the over-generous character of the beneficence shown towards the promoted *ugvaro* officials and administrators in the end defeated its own purpose; and the system of *shedsqaleba* served to perpetuate those evils to eradicate which the kings had directed all their energies and their favours. *Shedsqaleba* gradually raised the new favourites, these *ugvaro* officials, to a position of influence and power; in course of time it concentrated in their hands new accumulations of wealth; the administrative positions which they held gained them a steadily increasing political influence, and their descendants, finding themselves in the position of great hereditary land-owners, easily forgot their *uazno* or *ugvaro* origins and their indebtedness to the Crown. In these circumstances their ambitions proved as matchless and their

[1] S. Kakabadze, *XIII Saukunis pirveli nakhevris Sakartvelos Katolikosebi* (*The Georgian Catholicoses of the first half of Thirteenth Century*).

CHAPTER X

Property

1. The Individual Rights of Ownership and Inheritance—

● 428 In the previous chapters dealing with the position of woman among the Georgian Highlanders, we have discussed the privilege, among others, of the right of woman to possess individual property.

Reviewing the individual rights of property and inheritance in a social group of Georgian Highlanders, we notice at once the existence of sexual discrimination. Property and inheritance rights are not the same for the two sexes. The position of woman is very different from that of man in this respect. Woman had a right to have personal property (*sathavno*), which in time past was denied to man, while he in turn possessed rights of inheritance which were not shared by women.

In a case when a family was divided, the whole property was divided among the male members. The women were exempt from this division, except that the food reserve was distributed equally to all members, regardless of sex. A special provision was made for a woman expecting a child; she received, besides her own share, a portion for her future child.[1] Property was not divided equally among all male members of the family. If the family division took place during the lifetime of the father, he received, besides his own share, an extra portion for his funeral expenses, called *samarkh*, as did all other elderly members of the family, who had full freedom in the choice of a member with whom they would live. However, among the Khevsurs,[2] the father divided all his property among his sons, without leaving anything for himself, and lived with his sons in turn. If the family was a joint family, its head-man, called *mama-katsi* by the Pshavs, and

[1] [see ref. IIc, p. 122 -- Analyst]

[1] Kovalevsky: II, 114.
[2] Zisserman: 213, 227.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

makhvshi by the Svans, had no privileges beyond that of any other male member of the group. He shared equally with the others.

There was an exception made in the division of property in the case of an older son, who because of his seniority received an extra portion, which consisted among the Khevsurs and Tushes, of a horse and a sword, and among the Pshavs, of five cows. With the Svans, the eldest son usually received the best of the domestic animals owned by the family, whether cow, horse or ox. In some Svan communities this extra portion consisted of a piece of arable land, which should be no larger than that which could be tilled by one pair of oxen during one day, or even half a day, so that this portion was usually equal to a *naljom*.[3] In Svanetia the right to the portion of seniority was only given to cover their marriage expenses.

Besides the privilege of seniority in the division of property, there was also a special additional portion given to unmarried sons to cover their marriage expenses.

In case a son died before receiving his portion, it went to his male descendants if he were married, and there was also a special compensation for his widow. She received her *sathavno* (personal capital), and a number of cows in proportion to the number of years she had been married. This principle is the same as that applied to the payment of indemnity to divorced wives.[4] However, if a widow preferred to remain at the home of her deceased husband, she received from his relatives the necessary cost of living. If the deceased was a single man, his portion was added to the family property and accordingly divided among the male members.

Adopted members of a family acquired no inheritance rights except in the case of an adoptive son-in-law (*zedsidze*) among the Khevsurs, Pshavs and Tushes. Among the Svans, unlike the other Georgians, the *zedsidze* is not an inheritor. This custom of allowing the son-in-law to inherit was universal in Georgia

[3] Unit of measurement of arable land in Svanetia.
[4] See "Divorce" and "Position of Woman."

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

in times past, and still is preserved, with local variations. Concerning the *zedsidze*, it should be noted that he was not esteemed very much by the relatives of his foster parents, who saw in him the loss of their individual share in the inheritance. And it often happened that, after living in the family of his parents-in-law as a son and sharing their labor and hardships, the *zedsidze* was driven out without any recompense. In view of this, it is not strange that the *zedsidze* should take the precaution beforehand of having his father-in-law's property transferred legally to himself, in order to avoid these unfortunate occurrences.

In the event the head of a family died while his children were under age, the Khevsurs entrusted the management of their property to their mother's brother.

Illegitimate children among the Khevsurs had no inheritance rights. Among the Pshavs, if a man abandoned his first wife because of her sterility and took a second, the children of the latter enjoyed full inheritance rights because they were regarded as legitimate.[5] The Svans instantly killed their illegitimate children, but in case they were left alive, they were devoid of any inheritance rights from the paternal as well as the maternal side.[6]

Individual property rights of males among the Georgian Highlanders before the division of the family were very small, and in times past, were almost non-existent, except for such everyday necessities as clothing and arms; but even these things were under the control and supervision of the head-man of the group (the *mama-katsi*), when the "joint family" represented the social unit. The property of the family represented the joint ownership of all its members. The sale of the family property could take place only with the consent of all members of the family, and it had a preferential character. Among the buyers, the preference was given to the persons related to the family.

Every male member, as mentioned before, inherited a share of the family property, and at the same time he was responsible for the payment of a portion of the family debts. The refusal of his inheritance rights did not relieve him of this obligation. All male

[5] See "Divorce."
[6] Kovalevsky: a, II, 11.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

members of the family were held responsible for debts incurred by the family before its division. The women members, however, were exempt from this obligation.

Inheritance and individual property rights of women in the social group of the Georgian Highlanders were entirely different from those of men. As mentioned before, women received no part of the family property in its division. Nevertheless, they were not left entirely helpless. Women were allowed to possess their own capital, consisting of money, household utensils, domestic animals, etc.

After performing her household duties and field work, a woman's time was her own. In her leisure she was free to do whatever she wished for her own benefit, and this time was usually employed in enlarging her personal capital (*satavno*). This *satavno* is accumulated gradually, its amount depending upon the woman's industry and ability. Women begin to work for their *satavno* in early childhood. Thus, for example, it was no rarity to meet young girls of not more than eight years old who already had their *satavno*. A woman's personal capital accumulated by her work is greatly enlarged at the time of her marriage by many presents which she receives at the wedding ceremony from her own and her husband's relatives. This custom of presenting gifts to the bride forms one of the principal parts of the wedding ceremony among the Georgians, and has an official and public character. Every gift and donor are made known to the public by a specially appointed person who conducts the ceremony. He is called *mkepari*, meaning "barker," as we have already mentioned in the chapter dealing with marriage customs. To these wedding presents is usually added a portion of the bride's mother's *satavno*, and if the bride is an only daughter she may inherit the full amount of her mother's capital.

The woman's capital is at her personal disposal, and no member of her family, not even her husband, has a right to touch it. She may use it as she desires. And her capital may not be used to pay any debts or obligations of the family.

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[1] Machabeli: V.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

422 The individual property rights of Georgian women are strikingly similar to the property rights of women in Egypt, where the woman's property "remains generally at her disposal, and she retains in contracts the right to leave her husband and to keep her property together with the bride gift."[8]

422 Among the Svans,[9] the wife is the sole proprietor of her dowry
● 428 and without her consent no part of it can be alienated. If arable land forms a part of the dowry, the husband has a right to make use of it only with the permission of his wife. He is nothing more than a caretaker of her property, and not her master and lord.

The property of a woman is inherited by her children. If it is not large, the only inheritor is her daughter; in the contrary case it is divided among all her children, male and female. The woman may lend her capital to a stranger at interest, and to members of her family as well. They are obliged to return it to her. If a woman dies childless, her property belongs to her parents; if they refuse to accept it, it goes to her husband.

586 In case of a divorce, if it is not the result of adultery, she receives her *sathavno* in full, which represents her life's security.
589 She receives also an additional compensation.[10] The widow had full right to stay in the home of her deceased husband, or could return to her parental home, in which case she received her *sathavno* in full from the relatives of her dead husband.

Interesting facts concerning the property rights of the Georgian woman are given by E. Gabasvili[11] in an article printed in the Georgian journal, "Iveria."

2. Group Ownership—

421 After the discussion of individual property rights of the Georgian Highlanders, we shall review the question of group ownership. We find it expressed in the communal ownership of pasture grounds and forests and religious property.

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[8] Hobhouse: I, 183.
[9] Kovalevsky: a, II, 50.
[10] See "Divorce."
[11] Gabashvili.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

reject the demand, and in 1881 it was decreed that an indemnity of three hundred rubles be paid by the great-great-great-grandsons of the culpable husband to the collateral descendants in the fifth generation of the deceased woman. Another case[2] of the same nature is as follows: One Khevsur pretended before a certain Pshav that his grandfather, before the Russian invasion of the Caucasus, had caught in the river Aragua a big salmon, which was so large that he was not able to take it home, and therefore had left it in the water, tied to a stone, intending to go for it with a mule the next day. However, the fish was stolen during the night, according to the claimant, by the grandfather of the Pshav. On this ground the Khevsur demanded satisfaction in the following manner: The salmon was worth a sheep; the sheep during the fifty years' time could have given wool and cheese, equivalent in value to at least ten cows; and besides this there would have been an increase of at least one hundred and fifty head. There was also to be added to the above, five cows as a gift for the judges. The total indemnity to be paid by the Pshav to the Khevsur was fixed at fifty-five cows, or two hundred and seventy-five rubles.

Taking into consideration the different kinds of contracts, we notice at first the extreme rarity of grants amongst Khevsurs, Pshavs, and Tushes. The making of a grant was not permitted to the person who had a legitimate heir in his family. This same situation was found among the Svans also. This may be explained by the small extent of private ownership and the prohibition of alienation of family property, with the exception of gifts to the communal sanctuary, the *Khati*.

In alienation of land property, the law of the preferential purchase was vigorously enforced. The property had to be offered first to the relatives of the person disposing of the property, and in case of a denial on their part, it was offered to neighbors; and only after their refusal was full freedom given to sell the land to a stranger. In selling the property to a stranger who was a member of another community, the Khevsur did not

[2] Zisserman: 226.